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May 1, 1944

SPECIAL COMMODITIES BRANCH MEMORANDUM NO. M-1

To: All Divisions and Sections, Special Commodities Branch
From: H. C. Albin, Chief, Special Commodities Branch
Subject: Food Order Administration

Director's Memorandum No. 42, Revision 1 (and supplements) and Director's Memorandum No. 2, Supplement 31, are the primary authorities for order administration. The commodity representative designated as Order Administrator shall be guided by the Director's Memoranda in the preparation of all documents relating to orders and in all other matters pertaining to the administration of the orders.

The instructions given below are intended only (1) to summarize the routine operations established by the Director's Memoranda insofar as they refer to operations within the Branch, and (2) to supplement the Director's Memoranda with detailed procedure applicable only to the Branch.

PART I - PREPARATION AND CLEARANCE

A. The Memorandum of Intention

Prior to drafting an order, the commodity representative shall prepare a Memorandum of Intention (in an original and 12 white copies) from the Chief of the Branch to the Deputy Director for Commodity and Industry Regulation. The memorandum shall be cleared through the Chief of the Commodity Division, the Chief of the Operational Planning and Services Division, and the Assistant Chief of the Branch.

After the Order Review and Clearance Committee has approved of the issuance of the proposed order, the commodity representative shall prepare a Food Order Docket containing all of the documents necessary for the clearance and approval of the order.

B. The Food Order Docket

1. Documents to be included in the Docket

<u>Document</u>	<u>Prepared by</u>	<u>Copies</u>
The proposed order	Office of Solicitor & Commodity Representative	Original 8 whites salmon
Memorandum recommending issuance of order	Commodity Representative	Original Duplicate-orig. 12 whites
Delegation of Authority to administer order (Form FD-304)	Commodity Representative	Original 1½ whites
Summary for release to trade and industry	Marketing Reports Division	Original 3 whites
Solicitor's opinion	Office of the Solicitor	

- a. When the proposed order involves problems of inter-agency understanding, the docket shall contain a memorandum of understanding (original and 5 white copies) to be signed by the interested agencies. If not applicable, a note to that effect shall be placed in the docket.
- b. While the order is in the preparatory stage, the commodity representative shall furnish the Reproduction and Distribution Section with any information it may require to prepare an adequate mailing list.
- c. If the order is applicable to any U. S. territory or possession, a statement to that effect shall be incorporated in the order.
- d. The copy of the proposed order marked "ditto" shall be removed from the docket and used to prepare a master ditto. The Reproduction and Distribution Section shall duplicate the proposed order and distribute copies according to the Director's Memorandum.
- e. Forms to be used in connection with the order shall be prepared by the commodity representative and cleared according to the established procedure for clearance of forms.
- f. All of the contents of the docket shall be placed loosely in a folder.

2. Routing the docket for approval

a. A routing slip shall be attached to the completed docket and shall be initialed by;

The Commodity Representative
The Chief of the Commodity Division
The Chief of the Operational Planning
and Services Division
The Assistant Chief of the Branch

b. The Chief of the Branch will sign or initial the appropriate documents in the docket.

c. The Permanent Records Unit is responsible for securing the necessary clearance and approval of the docket after it leaves the Branch, and shall return approved copies of the documents to the Order Administrator.

C. Uniform Filing System

For each order administered by the Branch the appropriate Order Administrator shall maintain a uniform filing system consisting of a master file of the order, an alphabetical file of the petitions and appeals under the order, and an alphabetical file of the reports pertaining to compliance with the order. A separate folder shall be used for each appeal and each compliance case.

The master file shall be set up in the following order:

- a. Approved copy of the Memorandum of Intention
- b. Approved copy of the order
- c. Approved copy of the Delegation of Authority (FD-304)
- d. Any special delegation of authority from the Deputy Director
- e. Approved copy of the summary to trade and industry (not to be confused with Item i below)
- f. Approved copy of the memorandum of transmittal
- g. Approved copy of the Solicitor's opinion
- h. Approved copy of the set of Questions and Answers (refer to Part II)
- i. Approved copy of each monthly summary (refer to Part II)
- j. Approved copy of subsequent amendments to the order
- k. Typical cases processed (These should be filed under separate headings in addition to being included in the monthly summaries.)
- l. Interpretations

D. Director's Food Distribution Orders

The procedure established for Food Distribution Orders shall apply to Director's Food Distribution Orders except that the memorandum accompanying the order shall be from the Branch Chief to the Director.

E. Amendments

Amendments to orders shall be prepared, cleared and executed in the same manner as that prescribed for the original food orders.

F. Clearance of proposed food orders

In accordance with the Director's Memorandum, proposed food orders which may affect the Special Commodities Branch shall be referred to the Branch for clearance by the commodity divisions concerned.

The Authorities and Procedures Section shall receive notices of such orders, notify the commodity divisions, and obtain copies of any orders which the divisions may wish to review.

Whenever possible, questions or objections to the orders shall be taken up directly with the appropriate Order Administrator of the Branch which originated the order. If an agreement cannot be reached in this manner, the chief of the commodity division shall prepare a memorandum from the Chief of the Branch to the Secretary of the Order Review and Clearance Committee, outlining completely his objections and the reasons therefor. If more than one division is concerned, it shall be the responsibility of the Chief of the Operational Planning and Services Division to prepare a consolidated memorandum expressing the views of the Branch.

All memoranda to the Order Review and Clearance Committee shall be routed for clearance to the Chief, Authorities and Procedures Section, who shall maintain a complete file of all objections submitted by this Branch.

PART II. - FOOD ORDER EDUCATION

A. Loose-Leaf Dockets

For food orders to be administered effectively, it is necessary that the Regional Offices have a complete understanding of the background, provisions, interpretations and applications of each order.

This information shall be supplied to the Regional Offices in the manner set out below and shall be assembled by the Regional Offices in Loose-Leaf Dockets.

1. Copies of Material from the Master File

The Regional Loose-Leaf Dockets should contain essentially the same information as the Order Administrator's master file. Accordingly, the Order Administrator shall arrange for duplicated copies of the material in the master file to be distributed to the regions.

2. Questions and Answers

Concurrent with the issuance of an order, or as soon as possible thereafter, the Order Administrator shall prepare a set of questions and answers anticipating the probable questions that will arise.

3. The Initial Summary

The initial summary shall be issued as of the effective date of the order and consist of a brief but comprehensive survey of the order. The following items shall be included:

a. The Reason for the order

- (1) The need for the order
- (2) Purpose to be attained

b. Provisions of the order

- (1) Brief summary of the most important provisions
- (2) Constructions or interpretations of the terms used, where such constructions or interpretations are desirable.
- (3) Explanation of the method to be used in filing reports or other data required by the order.

c. Background of Industry - A brief statement of how the industry operates.

- (1) Production
- (2) Distribution

d. Announcement that supplemental summaries will be issued each month, for inclusion in the Loose-Leaf Docket. The Order Administrator should emphasize the fact that the summaries are an integral part of the Loose-Leaf Dockets and should be used in conjunction with other food order material.

e. Any other general information which the Order Administrator believes should be given to the regions.

4. Monthly Summaries

A monthly summary shall be prepared in the original and two copies for each order and shall be issued on the same day of each month as the effective date of the order. The purpose of the monthly summary is to provide the Regional Directors with current information pertaining to amendments, constructions, and interpretations, typical cases processed, existing problems in administration, trends in activity, such as certain types of appeals or violations, and any other information that may be of value in administering the order.

Where the activity under the order during the month has been of a purely routine nature, the summary need include only a statement to that effect. However, it should be recognized that the summary is the medium through which the Order Administrator can keep the field informed of the administrative difficulties under the order and obtain co-operation from the field.

The monthly summaries shall be issued as memoranda, and shall be set up in the following manner:

WAR FOOD ADMINISTRATION
OFFICE OF DISTRIBUTION
Washington 25, D. C.

Date

To: All Regional Offices, Office of Distribution, WFA
From: _____, Administrator, FDO 18, Tea
Subject: Summary No. 2 for Inclusion in the Loose-Leaf Docket
of FDO 18

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5. Clearance and Distribution of Food Order Material to be Included in the Loose-Leaf Docket

All statements of policy, administrative ruling or interpretation of the order shall be prepared in collaboration with the Marketing Reports Division, for the approval and signature of the Deputy Director for Commodity and Industry Regulation, and shall be addressed to the Regional Directors. Questions involving legal problems shall be submitted to the Deputy Director for interpretation by the Office of the Solicitor.

Copies of the documents from the approved Food Order Docket may be distributed without further clearance.

Within the Branch, questions and answers, summaries, and other educational material shall be cleared through the same channels as the orders. After approval by the Chief of the Branch, however, the Authorities and Procedures Section shall be responsible for securing clearance outside the Branch. That Section shall also be responsible for arranging with the Reproduction and Distribution Section for the distribution of such material to the field.

B. Educational Programs for Trade and Industry and the General Public

1. Responsibility of the Order Administrator

Within the limits prescribed by Director's Memorandum No. 42, Supplement 1, the Order Administrator shall be responsible for developing a general educational program for each order that he administers. Order education should be directed primarily to the trades and industries affected; however, provision should be made for acquainting the general public with the objectives of the order.

Each educational program shall be planned to conform to the general order education program established by the Deputy Director for Commodity and Industry Regulation and shall be subject to the general instructions described below.

2. Industry and Trade Organizations

The Order Administrator shall maintain close relations with the various trade and industry organizations in order to secure their advice as to the best methods of approach in order education.

3. Regional Representatives

a. The Order Administrator shall arrange for prompt distribution of all educational material to be included in Loose-Leaf Dockets, and should also issue definite instructions for utilizing the Loose-Leaf Dockets in educating the trade and industries.

b. The Order Administrator, in cooperation with the Regional Offices, shall arrange to hold educational meetings in the regions with members of the trades and industries affected by the order.

4. The Marketing Reports Division

The Order Administrator shall supply the Marketing Reports Division with factual and technical information to be used in preparing educational material for general distribution or publication.

PART III - PETITIONS AND APPEALS

A. Authority to Grant or Deny

1. The Order Administrator may deny petitions for relief from hardship under the order, but may not, unless specifically authorized by the Director, grant petitions. Petitions that are not denied shall be referred to the Petition Review Committee, together with the recommendations of the Order Administrator.

If the petition is granted, the Order Administrator shall prepare a letter from the Director or Deputy Director to the appellant.

Each chief whose division administers any order shall be responsible for determining that correspondence granting relief and forwarded for the Director's signature is actually signed by the Director prior to the issuance of any correspondence indicating that the relief requested has been granted.

In the administration of those orders which require dual letters when relief is granted, it will be necessary for both letters to be forwarded to the Director's office simultaneously. The Cocoa Bean Order (FDO 25) is an example of this type of order, since it is necessary to notify a supplier when relief is granted to a petitioner, and the letter to the supplier, which is prepared for the Order Administrator's signature, should not be signed or dated until the petition is signed by the Director.

2. The granting of a petition or appeal which would adversely affect the Civilian Food Requirements Branch and Requirements and Allocations Control must be cleared with the interested parties.

B. Files

A separate folder, headed by the name of the petitioner and a numerical assignment as given below, shall be prepared for each petition. Each folder shall contain:

- (a) Petition for exception
- (b) Data pertaining to verification of facts presented, compliance, if necessary, and all other material utilized in the determination of the appeal.
- (c) Copy of the decision

C. Records and Reports

1. Each petition shall be numbered in the order received, using the Order No. as a prefix. For example, petitions under the Tea Order shall be numbered 18-1, 18-2, 18-3, etc. All correspondence in reference to an appeal or a petition must refer to the number assigned the particular petition or appeal.
2. A weekly report on the status of appeals under each order shall be transmitted each Saturday morning to the Chief of the Analysis and Reports Section, where a complete report for the Branch shall be compiled and submitted to the Assistant Deputy Director. Where relief is granted, the

weekly appeals summary should contain a statement as to the amount of set-aside materials released, the use to which such materials are to be put, and the Government Agency, if any, which is to secure such materials, in the event that the effect of granting the petition is to release material set aside by a particular order or amendment.

D. Notice to Regional Offices of Decisions on Appeals

A copy of any decision on an appeal under any order shall be forwarded to the Regional Office of the region in which the appellant is located.

Therefore, an extra copy of each decision, whether prepared for the signature of the Order Administrator, or for that of the Deputy Director, shall be provided for the Regional Office concerned. Further, should any decision reflect a change in the order, or a new interpretation, sufficient extra copies shall be provided to furnish one to every regional office.

In those cases where the letter to the appellant is prepared for the signature of the Deputy Director, the copy marked for the regional office shall be retained in the office of the Order Administrator until notification is received that the Deputy Director has signed the letter. At that time the copy shall be forwarded to the regional office by the Order Administrator.

PART IV - COMPLIANCE PROCEDURE

Recent Director's Memoranda and Compliance Branch Memoranda have established a procedure for handling compliance with War Food Orders.

Food Order Education in Washington is the responsibility of the Commodity Branches and the Marketing Reports Division, while voluntary compliance activities in Washington are the sole responsibility of the Commodity Branch. Responsibility for enforcement is vested in the Compliance Branch (Director's Memorandum No. 42, Revision 1, Supplement 2).

A. Voluntary Compliance Activities

The cases discussed under this heading are those which require no investigation.

1. Education

After full coverage has been given to the industry of the War Food Orders, Questions and Answers, Summaries, etc., it is the responsibility of the Order Administrator to write letters of explanation of the order to any companies, where it appears likely that the order is not fully understood.

2. Warning Letters

Where it appears from an explanation of reports required by the WFO, or from any other reliable source, that a company has committed minor violations of the order, the Order Administrator may write to the company, verifying the facts of the violation and asking for an explanation. If the company admits the violation, the explanation appears plausible, and the Order Administrator is satisfied the violation does not warrant an investigation, then he may prepare a Warning Letter for his own signature (Warning Letter should not be signed until returned by the Compliance Branch) addressed to the violator, calling his attention to the violation and warning him that a repetition of the violation may lead to administrative sanctions or criminal prosecution. A saving clause must be inserted in the letter as indicated in Director's Memorandum No. 42, Supplement 5, 2nd paragraph. For uniformity in language, it is suggested that copies of previously approved Warning Letters on file in the office of the Chief of the Operational Planning and Services Division, be examined. Warning Letters should be prepared in the regular number of copies of any memorandum, plus two additional white copies marked for Compliance Branch (one copy will be forwarded by Compliance Branch to the proper Regional Office and the other copy will remain in Compliance Branch files in Washington). It is expected that the Order Administrator will be vigilant in scrutinizing future activities to see that the violating company is adhering strictly to the order. The Order Administrator and Chief of the Division, after initialing the yellow copy of the Warning Letter, should send the file and the Warning Letter to the Chief of the Operational Planning and Services Division for control purposes. The file and letter will then be forwarded to the Chief of the Compliance Branch for concurrence. If he approves he will initial the yellow copy, and will return the file and Warning Letter to the Chief, Operational Planning and Services Division for transmittal to the Order Administrator. The latter will thereupon date, sign and mail the Warning Letter, and forward two copies thereof to the Compliance Branch.

3. Adjustment Letters

Where a minor violation of a WFO is discovered and a letter sent to the violator for verification of facts, the Order Administrator, upon receipt of a reply from the violator, may elect to write a letter to the violator, inviting him to make proposals for a compensatory adjustment. The procedure for issuing an adjustment letter is identical to that set forth for issuing Warning Letters. Copies of previously approved adjustment letters may be examined in the office of the Chief of the Operational Planning and Services Division. The theory and procedure for issuing an adjustment letter are set out in Director's Memorandum No. 42, Supplement 5.

In the conservation orders administered by this Branch it probably will be more effective to issue an adjustment letter rather than a Warning Letter, while on our fish set-aside order the Warning Letter probably will be more suitable.

B. Enforcement

The procedure outlined in this section involves cases that require investigation.

1. Referral of Cases to Compliance Branch

When a violation is brought to the attention of an Order Administrator, which in his opinion is sufficiently serious to require an investigation, the procedure as outlined below will be followed.

The Order Administrator shall:

- a. Prepare Form FD-355 (original and 3 copies) setting forth all information pertinent to the violation.
- b. Sign all copies of the form.
- c. Attach a set of copies of all pertinent correspondence concerning the violation to each copy of Form FD-355.
- d. Forward the completed form with all copies and attachments to the Chief of the Division.

The Division Chief shall initial one copy of the form and forward the complete file to the Chief of the Operational Planning and Services Division.

The Operational Planning and Services Division will set up a control for following the case and keeping the Order Administrator advised of developments. The Chief of the Operational Planning and Services Division shall initial the same copy of the form which was initialed by the Chief of the commodity division and return that copy to the Order Administrator. The original and two copies of the form will be forwarded to the Chief of the Compliance Branch.

Any supplemental information submitted on a case to Compliance Branch should be in memorandum form from the Order Administrator to Chief, Compliance Branch in an original and three copies for routing as indicated above.

2. Disposal of Cases

All of the War Food Orders handled by this Branch have been classified as "nonregionalized", which means that all investigative reports must be reviewed by the Commodity Branch in Washington and a recommendation written before the Regional Office may dispose of a case. Therefore, in the future, each Order Administrator will receive a copy of the investigative report, regardless of whether he requested the investigation or whether it originated in the field,

and he will be expected to write a memorandum to Chief of Compliance Branch, recommending disposition of the case.

The Order Administrator may recommend the following types of disposition of compliance cases:

- a. Dismissal of case
- b. Warning letter
- c. Adjustment Letter
- d. Suspension Order
- e. Injunction
- f. Criminal Prosecution

In making the recommendation the Order Administrator should indicate the reason for the recommendation and point out any information that may be of value to the Regional Director in making the final decision as to disposition of the case. This recommendation should be in memorandum form from the Order Administrator to the Chief of the Compliance Branch in an original and three copies, and routed in the same manner as other compliance matters indicated previously.

The Operational Planning and Services Division shall act as a focal point for all compliance cases and shall maintain liaison activities with the appropriate Divisions in the Compliance Branch. Arrangements have been made with the Compliance Branch for all reports and memoranda pertaining to Special Commodities Branch cases to be forwarded to the Operational Planning and Services Division.

PART V - REGIONAL ADMINISTRATION OF PORTIONS OF WFO 44

The administration of those portions of WFO 44 which pertain to the fishing industry on the West Coast has been delegated to the Western Region. The functions so delegated are as follows:

1. Fulfillment of contracts under WFO 44
2. Order Education in connection with pack reports submitted by packers pursuant to WFO 44.1.
3. Maintenance of records of pack reports and deliveries to government agencies.
4. Determination of compliance with WFO 44 and WFO 44.1, and reference of violation cases to the Washington office.
5. Submission to the Washington office of weekly reports containing the cumulative totals of the pack reports and of deliveries to government agencies for each category of canned fish.

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WAR FOOD ADMINISTRATION
OFFICE OF DISTRIBUTION
Washington 25, D. C.

August 1, 1944

SPECIAL COMMODITIES BRANCH MEMORANDUM NO. M-1

To: All Divisions and Sections, Special Commodities Branch
From: H. C. Albin, Chief, Special Commodities Branch
Subject: Food Order Administration

Director's Memorandum No. 42, Revision 1 (and supplements) and Director's Memorandum No. 2, Supplement 31, are the primary authorities for order administration. The commodity representative designated as Order Administrator shall be guided by the Director's Memoranda in the preparation of all documents relating to orders and in all other matters pertaining to the administration of the orders.

The instructions given below are intended only (1) to summarize the routine operations established by the Director's Memoranda insofar as they refer to operations within the Branch, and (2) to supplement the Director's Memoranda with detailed procedure applicable only to the Branch.

PART I - PREPARATION AND CLEARANCE

A. The Memorandum of Intention

Prior to drafting an order, the commodity representative shall prepare a Memorandum of Intention (in an original and 12 white copies) from the Chief of the Branch to the Deputy Director for Commodity and Industry Regulation. The memorandum shall be cleared through the Chief of the Commodity Division, the Chief of the Operational Planning and Services Division, and the Assistant Chief of the Branch.

The Deputy Director for Commodity and Industry Regulation has requested that Memoranda of Intention be submitted not later than 1:00 P.M. on the day before the day on which the Order Review and Clearance Committee meets (10:30 Tuesdays and Fridays).

After the Order Review and Clearance Committee has approved of the issuance of the proposed order, the commodity representative shall prepare a Food Order Docket containing all of the documents necessary for the clearance and approval of the order.

B. The Food Order Docket

1. Documents to be included in the Docket

<u>Document</u>	<u>Prepared by</u>	<u>Copies</u>
The proposed order	Office of Solicitor & Commodity Representative	Original 8 whites salmon
Memorandum of transmittal from the Director to the Administrator	Commodity Representative	Original Duplicate orig. 12 whites
Delegation of Authority to administer order (Form FDA-304)	Commodity Representative	Original 4 copies
Summary for release to trade and industry	Marketing Reports Division	Original 3 whites
Solicitor's opinion	Office of the Solicitor	

- a. When the proposed order involves problems of inter-agency understanding, the docket shall contain a memorandum of understanding (original and 5 white copies) to be signed by the interested agencies. If not applicable, a note to that effect shall be placed in the docket.
- b. The memorandum of transmittal should contain objections, anticipated difficulties and possible sources of complaint against the order, in addition to the items specified in Director's Memorandum No. 42, Revision 1.
- c. While the order is in the preparatory stage, the commodity representative shall furnish the Reproduction and Distribution Section with any information it may require to prepare an adequate mailing list.
- d. If the order is applicable to any U. S. territory or possession, a statement to that effect shall be incorporated in the order.
- e. The copy of the proposed order marked "ditto" shall be removed from the docket and used to prepare a master ditto. The Reproduction and Distribution Section shall duplicate the proposed order and distribute copies according to the Director's Memorandum.
- f. Forms to be used in connection with the order shall be prepared by the commodity representative and cleared according to the established procedure for clearance of forms.
- g. All of the contents of the docket shall be placed loosely in a folder.

2. Routing the docket for approval

a. A routing slip shall be attached to the completed docket and shall be initialed by:

The Commodity Representative
The Chief of the Commodity Division
The Chief of the Operational Planning
and Services Division
The Assistant Chief of the Branch

b. The Chief of the Branch will sign or initial the appropriate documents in the docket.

c. The Permanent Records Unit is responsible for securing the necessary clearance and approval of the docket after it leaves the Branch, and shall return approved copies of the documents to the Order Administrator.

C. Uniform Filing System

For each order administered by the Branch, the appropriate Order Administrator shall maintain a uniform filing system consisting of a master file of the order, a master file of each amendment, a chronological file of the monthly summaries, an alphabetical file of the petitions and appeals under the order, and an alphabetical file of the reports pertaining to compliance with the order. A separate folder shall be used for each appeal and each compliance case.

The master file of the Order shall be set up as follows:

- a. Approved copy of the Memorandum of Intention
- b. Approved copy of the Order
- c. Approved copy of the Delegation of Authority (FDA-304)
- d. Any special delegation of authority from the Deputy Director
- e. Approved copy of the summary to trade and industry (not to be confused with the monthly summary)
- f. Approved copy of the memorandum of transmittal
- g. Approved copy of the Solicitor's opinion
- h. Approved copy of the set of Questions and Answers
- i. Interpretations

The master file of each amendment should contain the items listed above, with the exception of Item c, and the possible exception of Items h and i. The monthly summaries discussed in Part II of this memorandum should be filed in a separate folder.

D. Director's War Food Orders

The procedure established for War Food Orders shall apply to Director's War Food Orders, except that the memorandum accompanying the order shall be from the Branch Chief to the Director.

E. Amendments

Amendments to orders shall be prepared, cleared and executed in the same manner as that prescribed for the original food orders.

F. Clearance of proposed food orders

In accordance with the Director's Memorandum, proposed food orders which may affect the Special Commodities Branch shall be referred to the Branch for clearance by the commodity divisions concerned.

The Authorities and Procedures Section shall receive notices of such orders, notify the commodity divisions, and obtain copies of any orders which the divisions may wish to review.

Whenever possible, questions or objections to the orders shall be taken up directly with the appropriate Order Administrator of the Branch which originated the order. If an agreement cannot be reached in this manner, the chief of the commodity division shall prepare a memorandum from the Chief of the Branch to the Secretary of the Order Review and Clearance Committee, outlining completely his objections and the reasons therefor. If more than one division is concerned, it shall be the responsibility of the Chief of the Operational Planning and Services Division to prepare a consolidated memorandum expressing the views of the Branch.

All memoranda to the Order Review and Clearance Committee shall be routed for clearance to the Chief, Authorities and Procedures Section, who shall maintain a complete file of all objections submitted by this Branch.

PART II - FOOD ORDER EDUCATION

A. Loose-Leaf Dockets

For food orders to be administered effectively, it is necessary that the Regional Offices and the Special Commodities Branch Field Offices have a complete understanding of the background, provisions, interpretations and applications of each order.

This information shall be supplied in the manner set out below and shall be assembled by the Regional Offices and the Special Commodities Branch Field Offices in Loose-Leaf Dockets.

1. Copies of Material from the Master File

The Loose-Leaf Dockets should contain essentially the same information as the Order Administrator's master file. Accordingly, the Order Administrator shall arrange for duplicated copies of the material in the master file to be distributed to the regions.

2. Questions and Answers

Concurrent with the issuance of an order, or as soon as possible thereafter, the Order Administrator shall prepare a set of questions and answers anticipating the probable questions that will arise.

3. The Initial Summary

The initial summary shall be issued as of the effective date of the order and consist of a brief but comprehensive survey of the order. The following items shall be included:

a. The Reason for the Order

- (1) The need for the order
- (2) Purpose to be attained

b. Provisions of the Order

- (1) Brief summary of the most important provisions
- (2) Constructions or interpretations of the terms used, where such constructions or interpretations are desirable.
- (3) Explanation of the method to be used in filing reports or other data required by the order.

c. Background of Industry - A brief statement of how the industry operates.

- (1) Production
- (2) Distribution

d. Announcement that supplemental summaries will be issued each month, for inclusion in the Loose-Leaf Docket. The Order Administrator should emphasize the fact that the summaries are an integral part of the Loose-Leaf Docket's and should be used in conjunction with other food order material.

e. Any other general information which the Order Administrator believes should be given to the regions.

4. Monthly Summaries

A monthly summary shall be prepared in the original and two copies for each order and shall be issued on the same day of each month as the effective date of the order. The purpose of the monthly summary is to provide the Regional Directors and the Branch representatives in the field with current information pertaining to amendments, constructions, and interpretations, typical cases processed, existing problems in administration, trends in activity, such as certain types of appeals or violations, and any other information that may be of value in administering the order.

Where the activity under the order during the month has been of a purely routine nature, the summary need include only a statement to that effect. However, it should be recognized that the summary is the medium through which the Order Administrator can keep the field informed of the administrative difficulties under the order and obtain co-operation from the field.

The monthly summaries shall be issued as memoranda, and shall be set up in the following manner:

WAR FOOD ADMINISTRATION
OFFICE OF DISTRIBUTION
Washington 25, D. C.

Date

To: All Regional Offices, Office of Distribution, WFA

From: _____, Administrator, WFO 18, Tea

Subject: Summary No. 2 for Inclusion in the Loose-Leaf Docket of WFO 18

• • • • •

5. Clearance and Distribution of Food Order Material to be Included in the Loose-Leaf Docket

All statements of policy, administrative ruling or interpretation of the order shall be prepared in collaboration with the Marketing Reports Division, for the approval and signature of the Deputy Director for Commodity and Industry Regulation, and shall be addressed to the Regional Directors. Questions involving legal problems shall be submitted to the Deputy Director for interpretation by the Office of the Solicitor.

Copies of the documents from the approved Food Order Docket may be distributed without further clearance.

Within the Branch, questions and answers, summaries, and other educational material shall be cleared through the same channels as the orders. After approval by the Chief of the Branch, however, the Authorities and Procedures Section shall be responsible for securing clearance outside the Branch. That Section shall also be responsible for arranging with the Reproduction and Distribution Section for the distribution of such material to the field.

B. Educational Programs for Trade and Industry and the General Public

1. Responsibility of the Order Administrator

Within the limits prescribed by Director's Memorandum No. 42, Supplement 1, the Order Administrator shall be responsible for developing a general educational program for each order that he administers. Order education should be directed primarily to the trades and industries affected; however, provision should be made for acquainting the general public with the objectives of the order.

Each educational program shall be planned to conform to the general order education program established by the Deputy Director for Commodity and Industry Regulation and shall be subject to the general instructions described below.

2. Industry and Trade Organizations

The Order Administrator shall maintain close relations with the various trade and industry organizations in order to secure their advice as to the best methods of approach in order education.

3. The Marketing Reports Division

The Order Administrator shall supply the Marketing Reports Division with factual and technical information to be used in preparing educational material for general distribution or publication.

PART III - PETITIONS AND APPEALS

A. Responsibility of the Order Administrator

Responsibility for denying petitions for relief from hardship under the Order is vested in the Order Administrator. In those cases where the Order Administrator believes the petition should be granted, he shall prepare a letter to the petitioner for the signature of the Deputy Director. The letter, together with the petition folder, shall be routed to (1) Division Chief, (2) Branch Chief, and (3) Deputy Director.

In the administration of those orders which require dual letters when relief is granted, it will be necessary for both letters to be forwarded to the Deputy Director's office simultaneously. The Cocoa Bean Order (WFO 25) is an example of this type of order, since it is necessary to notify a supplier when relief is granted to a petitioner, and the letter to the supplier, which is prepared for the Order Administrator's signature, should not be signed or dated until the petition is signed by the Director.

Each chief whose division administers any order shall be responsible for determining that correspondence granting relief and forwarded for the Director's signature is actually signed by the Director prior to the issuance of any correspondence indicating that the relief requested has been granted.

The granting of a petition or appeal which would adversely affect the Civilian Food Requirements Branch and Requirements and Allocations Control must be cleared with the interested parties.

B. Files

A separate folder, headed by the name of the petitioner and a numerical assignment as given below, shall be prepared for each petition. Each folder shall contain:

- (a) Petition for exception
- (b) Data pertaining to verification of facts presented, compliance, if necessary, and all other material utilized in the determination of the appeal.
- (c) Copy of the decision

C. Records and Reports

1. Each petition shall be numbered in the order received, using the Order No. as a prefix. For example, petitions under the Tea Order shall be numbered 18-1, 18-2, 18-3, etc. All correspondence in reference to an appeal or a petition must refer to the number assigned the particular petition or appeal.
2. A weekly report on the status of appeals under each order shall be transmitted each Saturday morning to the Chief of the Analysis and Reports Section, where a complete report for the Branch shall be compiled and submitted to the Assistant Deputy Director. Where relief is granted, the weekly appeals summary should contain a statement as to the amount of set-aside materials released, the use to which such materials are to be put, and the Government Agency, if any, which is to secure such materials, in the event that the effect of granting the petition is to release material set aside by a particular order or amendment.

D. Notice to Regional Offices of Decisions on Appeals

A copy of any decision on an appeal under any order shall be forwarded to the Regional Office of the region in which the appellant is located.

Therefore, an extra copy of each decision, whether prepared for the signature of the Order Administrator, or for that of the Deputy Director, shall be provided for the Regional Office concerned. Further, should any decision reflect a change in the order, or a new interpretation, sufficient extra copies shall be provided to furnish one to every regional office.

In those cases where the letter to the appellant is prepared for the signature of the Deputy Director, the copy marked for the regional office shall be retained in the office of the Order Administrator until notification is received that the Deputy Director has signed the letter. At that time the copy shall be forwarded to the regional office by the Order Administrator.

PART IV - COMPLIANCE PROCEDURE

Recent Director's Memoranda and Compliance Branch Memoranda have established a procedure for handling compliance with War Food Orders.

Food Order Education in Washington is the responsibility of the Compliance Branch and the Marketing Reports Division, while voluntary compliance activities in Washington are the sole responsibility of the Commodity Branch. Responsibility for enforcement is vested in the Compliance Branch (Director's Memorandum No. 42, Revision 1, Supplement 2).

A. Voluntary Compliance Activities

The cases discussed under this heading are those which require no investigation.

1. Education

It is the responsibility of the Order Administrator to issue Questions and Answers, Summaries, press releases, etc., and in addition to write letters of explanation of the order to any companies, where it appears likely that the order is not fully understood.

2. Warning Letters

Where it appears from an explanation of reports required by the WFO, or from any other reliable source, that a company has committed minor violations of the order, the Order Administrator may write to the company, verifying the facts of the violation and asking for an explanation. If the company admits the violation, the explanation appears plausible, and the Order Administrator is satisfied the violation does not warrant an investigation, then he may prepare a Warning Letter for his own signature (Warning Letter should not be signed until returned by the Compliance Branch) addressed to the violator, calling his attention to the violation and warning him that a repetition of the violation may lead to administrative sanctions or criminal prosecution. A saving clause must be inserted in the letter as

indicated in Director's Memorandum No. 42, Supplement 5, 2nd paragraph. For uniformity in language, it is suggested that copies of previously approved Warning Letters on file in the office of the Chief of the Operational Planning and Services Division, be examined. Warning Letters should be prepared in the regular number of copies of any memorandum, plus two additional white copies marked for Compliance Branch (one copy will be forwarded by Compliance Branch to the proper Regional Office and the other copy will remain in Compliance Branch files in Washington). It is expected that the Order Administrator will be vigilant in scrutinizing future activities to see that the violating company is adhering strictly to the order. The Order Administrator and Chief of the Division, after initialing the yellow copy of the Warning Letter, should send the file and the Warning Letter to the Chief of the Operational Planning and Services Division for control purposes. The file and letter will then be forwarded to the Chief of the Compliance Branch for concurrence. If he approves, he will initial the yellow copy, and will return the file and Warning Letter to the Chief, Operational Planning and Services Division for transmittal to the Order Administrator. The latter will thereupon date, sign and mail the Warning Letter, and forward two copies thereof to the Compliance Branch.

3. Adjustment Letters

Where a minor violation of a WFO is discovered and a letter sent to the violator for verification of facts, the Order Administrator, upon receipt of a reply from the violator, may elect to write a letter to the violator, inviting him to make proposals for a compensatory adjustment. The procedure for issuing an adjustment letter is identical to that set forth for issuing Warning Letters. Copies of previously approved adjustment letters may be examined in the office of the Chief of the Operational Planning and Services Division. The theory and procedure for issuing an adjustment letter are set out in Director's Memorandum No. 42, Supplement 5.

In the conservation orders administered by this Branch it probably will be more effective to issue an adjustment letter rather than a Warning Letter, while on our fish set-aside order the Warning Letter probably will be more suitable.

B. Enforcement

The procedure outlined in this section involves cases that require investigation.

1. Referral of Cases to Compliance Branch

When a violation is brought to the attention of an Order Administrator, which in his opinion is sufficiently serious to require an investigation, the procedure as outlined below will be followed:

The Order Administrator shall:

- a. Prepare Form FDA-355 (original and 3 copies) setting forth all information pertinent to the violation.
- b. Sign all copies of the form.
- c. Attach a set of copies of all pertinent correspondence concerning the violation to each copy of Form FDA-355.
- d. Forward the completed form with all copies and attachments to the Chief of the Division.

The Division Chief shall initial one copy of the form and forward the complete file to the Chief of the Operational Planning and Services Division.

The Operational Planning and Services Division will set up a control for following the case and keeping the Order Administrator advised of developments. The Chief of the Operational Planning and Services Division shall initial the same copy of the form which was initialed by the Chief of the commodity division and return that copy to the Order Administrator. The original and two copies of the form will be forwarded to the Chief of the Compliance Branch.

Any supplemental information submitted on a case to Compliance Branch should be in memorandum form from the Order Administrator to Chief, Compliance Branch in an original and three copies for routing as indicated above.

2. Disposal of Cases

All of the War Food Orders handled by this Branch have been classified as "nonregionalized", which means that all investigative reports must be reviewed by the Commodity Branch in Washington and a recommendation written before the Regional Office may dispose of a case. Therefore, in the future, each Order Administrator will receive a copy of the investigative report, regardless of whether he requested the investigation or whether it originated in the field, and he will be expected to write a memorandum to Chief of Compliance Branch, recommending disposition of the case.

The Order Administrator may recommend the following types of disposition of compliance cases:

- a. Dismissal of case
- b. Warning Letter
- c. Adjustment Letter
- d. Suspension Order
- e. Injunction
- f. Criminal Prosecution

In making the recommendation, the Order Administrator should indicate the reason for the recommendation and point out any information that may be of value to the Regional Director in making the final decision as to disposition of the case. This recommendation should be in memorandum form from the Order Administrator to the Chief of the Compliance Branch in an original and three copies, and routed in the same manner as other compliance matters indicated previously.

The Operational Planning and Services Division shall act as a focal point for all compliance cases and shall maintain liaison activities with the appropriate Divisions in the Compliance Branch. Arrangements have been made with the Compliance Branch for all reports and memoranda pertaining to Special Commodities Branch cases to be forwarded to the Operational Planning and Services Division.

PART V - FOOD ORDER ACTIVITIES IN THE FIELD

The Field Representatives of the Branch have been assigned the following functions:

1. Industry Assistance - To provide the industries and individuals affected by our Orders with up-to-date information and assistance.
2. Compliance - To refer apparent violations of food orders to the local Compliance Officer.
3. Special Assignments - To carry out special assignments at the request of our Order Administrators.